

# **SAMPLE BEHAVIORAL EMERGENCY CLARIFICATION**

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## **What is a behavior emergency?**

A behavioral emergency is the demonstration of a serious behavior problem, requiring a physical intervention, which has not previously been observed and for which a behavior support plan (BSP) or a positive behavioral intervention plan (PBIP) has not been developed or for which a previously designed behavior plan component is not effective during the emergency.

### **❑ What is the difference between a BSP and a PBIP?**

A BSP is a behavior plan that adheres to federal and state special education law. It delineates strategies, including positive behavioral interventions, for a student with an IEP who has behavior that interferes with learning of either the student or peers. It can be used for all students, with and without disabilities, to address problem behavior.

A PBIP is a plan to address serious behavior mandated by California Education Code. Serious is specifically defined as “assaultive, self-injurious, severe property damage or other pervasive maladaptive behavior.” It must be based on a full functional analysis assessment, with the specifics of that assessment defined by Ca. Ed. Code.

Both plans are based on understanding why the behavior occurs (i.e., the function), and what in the environment needs alterations. Both address how to teach new behavior, reinforce the behavior, handle the problem if it occurs again, and monitor attainment of behavior goals associated with the plan, and communicate effectively with all stakeholders throughout the plan. The PBIP documents data collection prior to, and during the proposed plan with specific required components specified in state law.

## **What is a behavioral emergency intervention?**

A behavioral emergency intervention shall not be used as a substitute for a behavior plan. Emergency interventions may only be used to control unpredictable, spontaneous behavior which poses clear and present danger of serious physical harm to the individual or others and which cannot be immediately prevented by a response less restrictive than the temporary application of a technique used to contain the behavior.

In other words, if the behavior can be contained verbally, for example by removing the audience and calmly redirecting the student, there is no permission granted for physically restraining or moving the student. It is NOT a behavioral emergency if the student will de-escalate with verbal direction. If a student is non-compliant, refusing to perform a required teacher direction, there is no permission granted to physically force compliance. In fact, that is the most common and dangerous reactive error resulting in bodily harm, often of a serious nature, to the student and/or staff.

Whenever a behavioral emergency occurs, only approved behavioral emergency intervention techniques (XXX) may be used. Most teachers and aides in special education in the YYY district are trained in XXX.

Emergency interventions shall not be used as a substitute for the systematic behavior plan that is designed to change, replace, modify, or eliminate a targeted behavior.

No emergency intervention shall be employed for longer than is necessary to contain the behavior. Any situation, which requires prolonged use of an emergency intervention shall require staff to seek the immediate assistance of the school site administrator or law enforcement agency, or both, as applicable to the situation.

### **Emergency interventions may not include:**

- Locked seclusion, unless it is in a facility otherwise licensed or permitted by state law to use a locked room. School districts are not permitted to use locked seclusion.
- Employment of a device or material or object which simultaneously immobilizes all four extremities, except that techniques such as prone containment may be used as an emergency intervention by staff trained to such procedures. Most approved programs do not allow these. XXX district does not permit prone containment.
- An amount of force that exceeds that which is reasonable and necessary under the circumstances.

### **Behavioral Emergency Report**

*A behavioral emergency report need only be filed with the director of special education whenever a teacher/aide has directly (hands on) applied a physical emergency intervention to the behavior emergency.*

A behavioral emergency report shall immediately be completed and maintained in the individual's file and forwarded to the district director of special education. The report shall include: name and age, setting and location, name of staff or other persons involved, description of the incident and the emergency intervention used, whether the student has a behavior plan, and details of any injuries sustained by the individual or other, including staff, as a result of the incident. (Note: The authorized XXX District Behavioral Emergency Report form is to be used.)

Anytime a behavioral emergency report is written regarding an individual who has a behavior plan in place, or when there is no behavior plan, an IEP team meeting should be scheduled. See the attached flow chart.

### **Time Frames**

1. The parent and residential care provider if appropriate shall be notified within *one school day* whenever an emergency intervention (hands on) is used or serious property damage occurs.
2. If the student involved does not have a behavior plan in place, the on site administrator shall *within two days* schedule an IEP team meeting to review the emergency report and determine if a behavior plan is required, and if so, which type. Both will require data collection (functional assessment) and IEP team development of the selected plan type. The IEP team shall document the reasons for not conducting the assessment and/or not developing an interim plan if it is determined that this student does not require either behavior plan.